

REMARKS

Claims 1-3, and 28-51 are currently pending. A Restriction Requirement mailed on February 6, 2006, required election of one of two claim sets. An election is indicated below. Based on the election, the present response has also cancelled Claims 4-27 without prejudice and without conceding any limitation in the scope of the invention. Claims 28-51 are also added. No new matter was added by any of these amendments.

Restriction Requirement

In response to the restriction requirement set forth in the Office Action mailed February 6, 2006, applicants hereby elect claims 1-3 with traverse.

The Office Action has required restriction between:

Invention I. Claims 1-3, drawn to downloading and broadcasting audio advertisements and interrupting the downloading of audio advertisement data, classified in class 705, subclass 14.

Invention II. Claims 4-27, drawn to providing audio communications via a website and advertisements before, during, or after the audio communications, classified in class 705, subclass 14.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, the claimed subject matter is classified in the same class and subclass, and the inventions are not independent. However, Invention I (Claims 1-3) is elected and Claims 4-27 are canceled without prejudice, without limiting the scope of the invention, and without forfeiting the right to file a divisional application.

Claim 1 has been amended to clarify applicants' invention. Claims 2 and 3 have been amended to correct antecedent basis. Support is found throughout the specification, including pg. 13, lines 19-32.

CONCLUSION

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